

## DEPARTMENT OF COMMERCE

## Bureau of Export Administration

## Action Affecting Export Privileges; Hua Ko Electronics Co. Ltd.; Order

In the Matter of: Hua Ko Electronics Co. Ltd., 9 Dai Shun Street, Tai Po Ind. Estate, Tai Po, New Territories, Hong Kong, Respondent.

On November 29, 1989, the then-Under Secretary for Export Administration, Dennis E. Koske, entered an Order (hereinafter "the 1989 Order") affirming the Administrative Law Judge's (ALJ) October 30, 1989 Recommended Decision and Order entered against Hua Ko Electronics Co., Ltd. (Hua Ko).<sup>1</sup> The ALJ found that Hua Ko had violated the Export Administration Regulations and recommended that Hua Ko's export privileges be denied for a period of 15 years, to run concurrently with an Order entered on July 29, 1988,<sup>2</sup> until the full 15-year period expired. The denial imposed against Hua Ko will expire, by its own terms, on November 28, 2004.

On November 4, 1999, BXA and Hua Ko entered into a Settlement Agreement to settle allegations that it violated the terms of the 1989 Order. In reaching that agreement, BXA agreed that certain portions of the sanctions agreed to would be suspended. BXA agreed to the suspension because of (1) Hua Ko's significant cooperation in a range of investigatory matters, including the transactions covered by the Settlement Agreement; (2) Significant changes in Hua Ko's senior management; (3) Hua Ko's implementation of an export compliance program, including its commitment to comply with U.S. and Hong Kong export control laws; and (4) The relatively low-level of the classification of the U.S.-origin goods obtained by Hua Ko, coupled with the types of consumer goods produced by Hua Ko. BXA also agreed to move that I suspend the remaining denial period of the 1989 Order, which would thereafter be waived, provided that Hua Ko has committed no violation of the Act or any regulations, order or license issued thereunder. BXA has moved that I so modify the 1989 Order.

<sup>1</sup> The 1989 Order was entered affirming the ALJ's Recommended Decisions and Orders entered against Hua Ko and Ji Wai Sun on October 30, 1989. At the time of the 1989 Order was issued, the Regulations were found in the 1989 version of the Code of Federal Regulations (15 CFR parts 768-799 (1989)).

<sup>2</sup> The July 29, 1988 Order was entered by the then-Under Secretary for Export Administration, Paul Freedenberg, affirming the ALJ's June 30, 1988 Recommended Decision and Order against various parties including Hua Ko.

Based on the factors enumerated by BXA, I hereby determine that it is appropriate to modify the 1989 Order and therefore grant BXA's motion.

Accordingly, it is therefore ordered, *First*, that, as authorized by Section 766.17(c) of the Regulations, I hereby modify the 1989 Order affirming the ALJ's Recommended Decision and Order entered against Hua Ko by suspending the remaining period of denial imposed pursuant to that Order until November 28, 2004. The suspended denial period shall, thereafter be waived, provided that, during the period of suspension, Hua Ko has committed no violation of the Act or any regulation, order or license issued thereunder. This suspension shall take effect on the date that this Order is signed.

*Second*, that this Order shall be served on Hua Ko and on BXA, and shall be published in the **Federal Register**.

This Order, which constitutes the final agency action in this matter, is effective immediately.

Dated: December 21, 1999.

**William A. Reinsch,**

*Under Secretary for Export Administration.*

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## DEPARTMENT OF COMMERCE

## International Trade Administration

[A-570-847]

**Persulfates From the People's Republic of China: Amended Final Results of Antidumping Duty Administrative Review**

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** January 10, 2000.

**FOR FURTHER INFORMATION CONTACT:** Sunkyu Kim or James Nunno, AD/CVD Enforcement Group I, Office II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-2613 or (202) 482-0783, respectively.

**Applicable Statute and Regulations**

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the

Department of Commerce's (the Department's) regulations are to the regulations at 19 CFR part 351 (April 1998).

**Amendment to Final Results**

In accordance with section 751(a) of the Act, on December 13, 1999, the Department published the final results of the 1996-1998 administrative review of the antidumping order on persulfates from the People's Republic of China (PRC), in which we determined that sales of persulfates from the PRC were made at less than normal value. See *Persulfates from the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 64 FR 69494 (December 13, 1999). On December 14, 1999, we received an allegation, timely filed pursuant to 19 CFR 351.224(c)(2), from FMC Corporation (the petitioner) that the Department made a ministerial error in its final results. We did not receive comments from the respondents: Shanghai Ai Jian Import & Export Corporation (Ai Jian), and Sinochem Jiangsu Wuxi Import & Export Corporation (Wuxi).

After analyzing the submission, we have determined, in accordance with 19 CFR 351.224, that a ministerial error was made in our final margin calculations for Ai Jian and Wuxi. Specifically, we found that in calculating the surrogate value ratios for factory overhead and selling, general, and administrative expenses, we incorrectly allocated certain depreciation expenses between the two cost categories. For a detailed discussion of the ministerial error allegation and the Department's analysis, see the memorandum to Louis Apple, Office Director, from the Team, dated December 27, 1999.

Therefore, in accordance with 19 CFR 351.224(e), we are amending the final results of the 1996-1998 antidumping duty administrative review on persulfates from the PRC.

The revised weight-averaged dumping margins are as follows:

Manufacturer/exporter	Original final margin percentage	Revised final margin percentage
Shanghai Ai Jian I/E Corp.	5.41	5.54
Sinochem Jiangsu Wuxi I/E Corp.	7.18	7.37

**Scope of Review**

The products covered by this review are persulfates, including ammonium, potassium, and sodium persulfates. The